

## REMARKS

Claims 1-11 are pending in the present application. Claims 1-11 are rejected.

### Rejections under 35 U.S.C § 102

Reconsideration is respectfully requested of the rejections of claims 1- 11 under 35 U.S.C § 102(e) as being anticipated by Pierrat et al. (US20020188924, "Pierrat '924") or Pierrat (US20040076891, "Pierrat '891"). The rejections are respectfully traversed.

It is respectfully submitted that the Office Action fails to establish a *prima facie* case of anticipation under 35 U.S.C. § 102(e). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2U.S.P.Q. 2d 1051, 1053 (Fed.Cir.1987). (M.P.E.P. §2131). Here, the Examiner asserts, without any explanation, on page 3 of the Office Action that claims 1- 11 are anticipated by Pierrat '924 or Pierrat '891. In particular, the Examiner simply recites some portions of claims and specification without pointing to specific support in Pierrat '924 or Pierrat '891 to show where the claim elements are disclosed. Therefore, under these circumstances, Examiner has not met his initial burden of establishing a *prima facie* case of anticipation under 35 U.S.C. § 102(e), but has instead shifted the initial burden on Applicants to disprove anticipation, which is improper as a matter of law.

Notwithstanding the above, it is further submitted that neither Pierrat '924 nor Pierrat '891 discloses or suggests, at least, "a third trim pattern being in contact with selected sides of a first and a second trim patterns", as recited in claims 1, 6, 7 and 11.

Pierrat '924 is directed to a system for adjusting a position of line segments on a boundary of phase shift windows. (See. paragraph [0014]). Pierrat '891 is directed to a system for identifying selected segments on a trim mask that do not abut any feature to be printed on an integrated circuit. (See. Abstract). Therefore, Applicants respectfully submit that claims 1, 6, 7 and 11 are not anticipated by Pierrat '924 and Pierrat '891.

Further, for at least the reason that claims 2-5 depend from claim 1, claims 8-10 depend from claim 7, claims 2-5 and 8-10 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-11 under 35 U.S.C § 102(e) and claims 1-11 are in condition for allowance.

### Conclusion

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,



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